



**SERGOVIC CARMEAN WEIDMAN  
McCARTNEY & OWENS, P.A.**



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August 24, 2020

**VIA HAND DELIVERY**

Planning and Zoning Commission  
Sussex County Administrative Building  
The Circle  
Georgetown, DE 19947

RE: Victor Little/CU No. 2220

Dear Commissioners:

Our client, Victor Little, has a conditional use hearing on August 27, 2020. Mr. Little has obtained sufficient signatures to an adopt an amendment to the restrictions, which we did not have when we filed our notebooks with the Planning and Zoning Office on August 17, 2020. We are enclosing multiple copies of the eight signatures/consents to the amendment. We are also enclosing multiple copies of the letter from the owner of Mr. Little's lot, which is under a Conditional Sales Agreement.

Respectfully submitted,

 for  
/s/John A. Sergovic, Jr.

JAS, JR./cwl  
Enclosures  
cc: Mr. Victor Little

Tax Map Nos. 2-30-20.00-9.00 through 9.14  
Prepared by and Return to:  
Sergovic Carmean Weidman McCartney & Owens, P.A.  
25 Chestnut St.  
Georgetown, DE 19947

**FIRST AMENDMENT TO DEED RESTRICTIONS FOR RAILROAD  
MEADOWS SUBDIVISION**

**THIS FIRST AMENDMENT TO DEED RESTRICTIONS FOR RAILROAD  
MEADOWS SUBDIVISION** (the "First Amendment") is made and executed on the \_\_\_\_\_  
day of the last execution by any party to this document, by no less than seven (7) Lot Owners,  
being **MICHAEL C. ONUSKO** (Owner of Lot No. 1), **GEORGINA CHAVEZ CALLES** and  
**PATISHTAN R. VENEGAS HONORIO** (Owner of Lot No. 2), **RONALD C. LIGGETT** and  
**DOLORES B. LIGGETT** (Owner of Lot No. 3), **WILLIAM F. HERMSTEDT** and **HOLLY  
L. HERMSTEDT** (Owner of Lot No. 4), **ELAINE JANE SHANER** (Owner of Lot No. 5),  
**ANNETTE K. WRIGHT** (Owner of Lot No. 6), **SUSSEX LAND COMPANY, LLC** (Owner  
of Lot No. 7), **CYNTHIA L. BROWN** (Owner of Lot No. 8), **RICHARD L. WILSON** (Owner  
of Lot No. 9), **STEVEN E. NEWMAN** and **CHRISTINE K. NEWMAN** (Owner of Lot No.  
10), **DANIELLE C. KELZ** and **SHAWN R. KELZ** (Owner of Lot No. 11), and **MARTIN  
VILLAGOMEZ CASTRO** and **JAIME R. ESPINOZA** (Owner of Lot No. 12) (hereinafter  
collectively referred to as the "Lot Owners").<sup>1, 2</sup>

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<sup>1</sup> Lot numbers are pursuant to the record subdivision plat of Railroad Meadows Subdivision, a copy of which is attached hereto as Exhibit "1."

<sup>2</sup> If less than all, but more than seven (7) Lot Owners listed above execute this document, any unexecuted consent shall not be recoded. However, the Amendment will nevertheless be binding on all of the subject to the Restrictions for Railroad Meadows.

WHEREAS, Sussex Land Company, LLC, the Developer, caused certain Restrictions to be imposed pursuant to the Deed Restrictions for Railroad Meadows Subdivision, of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in the following Deeds of record: 1) Deed Book 2161 at Page 352; 2) Deed Book 3374 at Page 320; 3) Deed Book 3304 at Page 191; 4) Deed Book 2873 at Page 22; 5) Deed Book 3395 at Page 125; 6) Deed Book 2403 at Page 36; 7) Deed Book 2184 at Page 169; and 8) Deed Book 3131 at Page 94 (hereinafter "the Restrictions"); the Deeds for the following Lot Nos. 2 (Deed Book 4949 at Page 144), 7 (Deed Book 4534 at Page 208), 9 (Deed Book 3991 at Page 261) and 12 (Deed Book 4602 at Page 258), do not specifically reference the Restrictions for Railroad Meadows Subdivision, however the Lot Owners of such lots agree that they are bound to the above Restrictions under a common development plan and agree to amend the Restrictions for Lot 7 of the Railroad Meadows Subdivision as provided herein.

WHEREAS, the Restrictions provide that they may be amended by and with the written consent of no less than seven (7) Owners of all the lots shown on the Record Plot, of the Railroad Meadows Subdivision, recorded in the Office of the Recorder of Deeds in and for Sussex County at Georgetown, Delaware in Plot Book 56 at page 192 (the "Record Plat"); and

NOW THEREFORE, the Lot Owners, with the consent of no less than seven (7) Lot Owners of Railroad Meadows Subdivision, by written Consent to this First Amendment to Deed Restrictions for Railroad Meadows Subdivision, hereby amends the aforesaid Restrictions applying to the lands and property of Railroad Meadows Subdivision as such is depicted in the Record Plot, as follows:

1. The Restrictions for Railroad Meadows Subdivision shall be amended by deleting Paragraph 1 in its entirety for Lot No. 7 and substituting in lieu thereof, the following:

1. In addition to residential use, Lot No. 7, and only Lot No. 7, may be used for non-residential uses limited to part of Lot No. 7 may be utilized for outdoor storage of construction materials behind the existing seven (7) foot fence. Further, operation of a construction business on Lot No. 7 is permitted and is an allowed and authorized use of Lot 7.

2. Other than as above, the Restrictions are hereby ratified and affirmed.

3. This Amendment may be executed in several counterparts, each of which, when so executed, shall be deemed to be an original, and such counterparts shall, together, constitute and be one and the same instrument.

**SIGNATURE PAGES TO FOLLOW**



IN WITNESS WHEREOF, the Lot Owners have executed this First Amendment this \_\_\_\_  
16<sup>th</sup> day of August, ~~2019~~ 2020.

Charlotte Sweetman  
Witness

Michael A. Russo  
, Owner Lot No #1

STATE OF Delaware :  
:SS.  
COUNTY OF Sussex :

BE IT REMEMBERED, That on this 16<sup>th</sup> day of August, A.D. ~~2019~~ 2020  
personally came before me, the Subscriber, a Notary Public for the State and County aforesaid,  
Victor J. Little, party to this Indenture, known to me personally to be  
such, and he/she acknowledges said Indenture to be his/her act and.


GIVEN under my Hand and Seal of Office, the day and year aforesaid.




Lisa Rose Reilly  
NOTARY PUBLIC

IN WITNESS WHEREOF, the Lot Owners have executed this First Amendment this \_\_\_\_\_

18<sup>th</sup> day of August, 2020

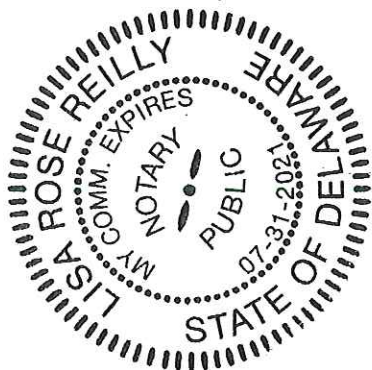
  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_, Owner Lot No. 2

STATE OF Delaware :  
:ss.  
COUNTY OF Sussex :

BE IT REMEMBERED, That on this 18<sup>th</sup> day of August, A.D. 2019, 2020  
personally came before me, the Subscriber, a Notary Public for the State and County aforesaid,  
Victor J. Little, party to this Indenture, known to me personally to be  
such, and he/she acknowledges said Indenture to be his/her act and.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.



  
\_\_\_\_\_  
NOTARY PUBLIC

IN WITNESS WHEREOF, the Lot Owners have executed this First Amendment this \_\_\_\_\_

16<sup>th</sup> day of August, ~~2019~~ 2020

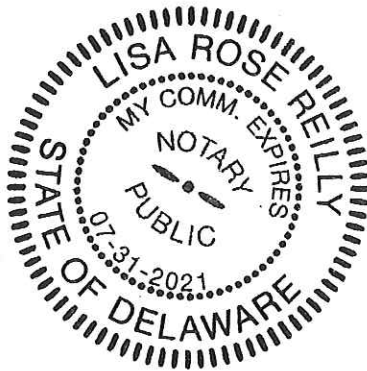
Witness

David Breedy, Michael Zager  
Owner Lot No. 3

STATE OF Delaware :  
:SS.  
COUNTY OF Sussex :

BE IT REMEMBERED, That on this 16<sup>th</sup> day of August, A.D. ~~2019~~ 2020  
personally came before me, the Subscriber, a Notary Public for the State and County aforesaid,  
Victor J. Little, party to this Indenture, known to me personally to be  
such, and he/she acknowledges said Indenture to be his/her act and.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.



Lisa Rose Reilly  
NOTARY PUBLIC

IN WITNESS WHEREOF, the Lot Owners have executed this First Amendment this \_\_\_\_  
17<sup>th</sup> day of August, ~~2019~~ 2020

[Signature]  
Witness

[Signature], Owner Lot No. 4

STATE OF Delaware :  
:ss.  
COUNTY OF Sussex :

BE IT REMEMBERED, That on this 17<sup>th</sup> day of August, A.D. ~~2019~~ 2020  
personally came before me, the Subscriber, a Notary Public for the State and County aforesaid,  
Victor J. Little, party to this Indenture, known to me personally to be  
such, and he/she acknowledges said Indenture to be his/her act and.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.



[Signature]  
NOTARY PUBLIC



IN WITNESS WHEREOF, the Lot Owners have executed this First Amendment this \_\_\_\_\_  
19<sup>th</sup> day of August, 2019, 2020

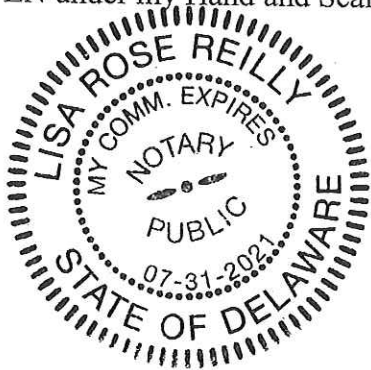
[Signature]  
Witness

Donald L Ward for Sussex Land LLC  
, Owner Lot No. 7

STATE OF Delaware :  
:ss.  
COUNTY OF Sussex :

BE IT REMEMBERED, That on this 19<sup>th</sup> day of August, A.D. 2019, 2020  
personally came before me, the Subscriber, a Notary Public for the State and County aforesaid,  
Victor J. Little, party to this Indenture, known to me personally to be  
such, and he/she acknowledges said Indenture to be his/her act and.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.



[Signature]  
NOTARY PUBLIC

IN WITNESS WHEREOF, the Lot Owners have executed this First Amendment this \_\_\_\_

thru day of 27<sup>th</sup>, 2019.

Natasha J. Zeller  
Witness

Cynthia B. Bbs #8  
Natasha X. Teller  
Owner Lot No. 55

STATE OF Delaware:  
COUNTY OF Sussex: :SS.

BE IT REMEMBERED, That on this \_\_\_\_ day of \_\_\_\_, A.D. 2019, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, \_\_\_\_\_, party to this Indenture, known to me personally to be such, and he/she acknowledges said Indenture to be his/her act and.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.



Arti Patel  
NOTARY PUBLIC

IN WITNESS WHEREOF, the Lot Owners have executed this First Amendment this \_\_\_\_  
16<sup>th</sup> day of August, ~~2019~~ 2020.

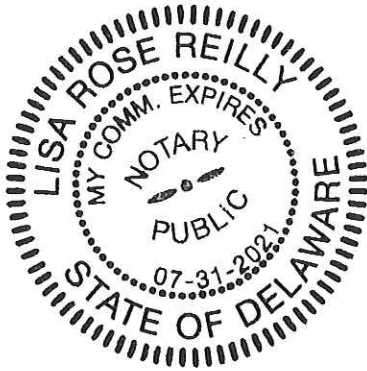
Ronald J. Williamson  
Witness

Richard J. Wab  
, Owner Lot No. 9

STATE OF Delaware  
:SS.  
COUNTY OF Sussex:

BE IT REMEMBERED, That on this 16<sup>th</sup> day of August, A.D. ~~2019~~ 2020  
personally came before me, the Subscriber, a Notary Public for the State and County aforesaid,  
Victor J. Little, party to this Indenture, known to me personally to be  
such, and he/she acknowledges said Indenture to be his/her act and.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.



Lisa Rose Reilly  
NOTARY PUBLIC  
Lisa Rose Reilly

IN WITNESS WHEREOF, the Lot Owners have executed this First Amendment this 30

7 day of September, 2019.

Heather LeBeau  
Witness

Martin Villagomez castro  
, Owner Lot No. 12

STATE OF Delaware :  
COUNTY OF Kent :  
:ss.

BE IT REMEMBERED, That on this 30<sup>th</sup> day of September A.D. 2019, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Martin Villa Gomez Castro, party to this Indenture, known to me personally to be such, and he/she acknowledges said Indenture to be his/her act and.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.



Heather LeBeau  
NOTARY PUBLIC

To: Sussex County Planning and zoning Commission

From: Donald Ward *DW* / *Sussex Land Co*

Sussex Land Co LLC

Date: August 20, 2020

Re: Conditional use of parcel 230-20.00-9.09

Several years ago Sussex Land CO agreed to sell the above referenced parcel to Victor Little. The seller agreed to finance the parcel with the official transfer to take place when all the payments were made. Mr. Little has made payments satisfactorily and his fence business has grown. He is seeking a conditional use on this parcel and Sussex Land Co supports the request since it seems that the conditional use would have no negative effect on the parcels nearby.